

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MICHAEL KEITH LEE, #02241680 §
VS. § CIVIL ACTION NO. 2:19cv67
RANDALL LEE, ET AL. §

ORDER OF DISMISSAL

Plaintiff Michael Keith Lee, a prisoner confined within the Texas Department of Criminal Justice (TDCJ), proceeding *pro se* and *in forma pauperis*, filed this civil rights proceeding under 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The case was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Judge Payne issued a Report, (Dkt. #17), recommending that Plaintiff's lawsuit be dismissed, with prejudice until the *Heck* conditions are met. A copy of this Report was sent to Plaintiff, and Plaintiff filed timely objections, (Dkt. #19).

While Plaintiff does not directly respond to Judge Payne's *Heck*-bar analysis, he complains that he was forced to sign an "unconscionable" contract concerning lifetime sex offender registration, (Dkt. #19, pg. 2). Given that Plaintiff was convicted in 2008 of aggravated sexual assault of a child and the possession of child pornography—and then subsequently convicted in 2017 of failing to register as a sex offender—his claim, challenging his conviction(s), remain subject to the *Heck* bar. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (explaining that "when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it

would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”). Plaintiff’s objections are without merit.


The Court has conducted a careful *de novo* review of the record and the Magistrate Judge’s proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.”). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Plaintiff’s objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #17), is **ADOPTED** as the opinion of the Court. Plaintiff’s objections, (Dkt. #19), are **OVERRULED**. It is also

ORDERED that the above-styled civil rights proceeding is **DISMISSED**, with prejudice, until the *Heck* conditions are met. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as moot.

So ORDERED and SIGNED this 15th day of February, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE